REMARKS

Specification.

3. The Office Action states that "the abstract is objected since it exceeds 150 words".

Applicant has amended the Specification to provide an appropriate Abstract to comply with the objection.

Claim Objections.

4. The Office Action states that "the numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution...Misnumbered claim 30 has been renumbered 31".

Applicant has amended the Claims to properly refer to Claim 31, which is dependent on Claim 30.

35 U.S.C. § 102, Claim Rejections.

6. Claims 1-3, 5-6, 8, 11-13, 15, 17-19, 26-27, and 29 are rejected under 35 U.S.C. §102(e) as being anticipated by Simchik (U.S. Publication No. 2002/0075302).

Independent Claim 1 has been amended, to claim a method for managing digital assets, comprising the steps of:

monitoring access to said digital assets by a user;

identifying the type of use of said accessed digital assets by said user;

ranking said accessed digital assets based on said identified use of said digital assets; and

hierarchically storing said ranked digital assets in a memory based on said ranking step, wherein highly ranked digital assets are more easily accessed from said memory by said user than lower ranked digital assets.

Support is seen in the Application as filed, at least on page 2, line 24 to page 3, line 12; on page 3, line 20 to page 4, line 4; on page 4, lines 14-18; on page 5, line 21 to page 8, line 10; on page 8, lines 13-17; on page 10, line 11 to page 13, line 4; and in Figures 1-6.

Independent Claim 12 has also been amended, to claim a system for managing a plurality of digital assets, comprising:

a memory for storing a plurality of digital assets;

a processor in communication with said memory for manipulating said plurality of digital assets;

a ranking module in communication with said processor and said memory to rank said digital assets based on manipulation of said digital assets by a user; and

means for hierarchically storing said ranked digital assets in said memory based on said rank of said digital assets, whereby higher ranked digital assets more easily accessed from said memory by said user than lower ranked digital assets.

Support is seen in the Application as filed, at least on page 2, line 24 to page 3, line 12; on page 3, line 20 to page 4, line 4; on page 4, lines 14-18; on page 5, line 21 to page 8, line 10; on page 8, lines 13-17; on page 10, line 11 to page 13, line 4; and in Figures 1-6.

Independent Claim 26 has been amended, to claim a method for managing a list of URL's that is automatically responsive to a user's Web navigation history, comprising the steps of:

creating a Web navigation history that records any of Web sites visited by said user and URL's activated by said user;

assigning scores to each of said URL's in said Web navigation history based on use of said URL's; and

hierarchically storing said URL's in a memory based on said scores, wherein URL's having higher scores are more easily accessed from said memory than URL's having lower scores.

Support is seen in the Application as filed, at least on page 6, line 18 to page 9, line 19; on page 13, line 5 to page 15, line 6; on page 15, line 19 to page 16, line 15; and in Figures 1-3, 6, and 7.

Applicant submits that Claims 1, 12, and 26, as amended, are significantly different than the system and method described by Simchik.

Applicant submits that Simchik describes a method of displaying hypertext based on a prominence ranking, as seen at least in the Abstract, wherein the method includes:

> "tracking a hypertext access to a document and assigning a prominence rating to the hypertext based on the tracking, wherein the prominence rating is based on frequency of access by a user, and on recency of access by the user. A visual cue of the hypertext is changed on a display according to the prominence rating. An apparatus for displaying hypertext is also disclosed."

Further details of visual cues described by Simchik are seen at least in [0007]-[0011]; in [0012]-[0013]; and in Figs. 3-6 and 8.

In Simchik, the prominence of hypertext is presented through the display of a visual cue to a user, as seen at least in [0007], wherein:

> "[0007] In accordance with one embodiment of the present invention, a method of displaying hypertext is disclosed. The method includes tracking

> a hypertext access to a document and assigning a prominence rating to the hypertext based on the tracking, wherein the prominence rating is based on frequency of access by a user, and on recency of access by the user. **A visual cue of the hypertext is changed on a display according to the prominence rating.**"

Details regarding hypertext are seen at least in [0028] of Simchik, wherein:

> "Hypertext is text which denotes a certain document or item and contains a hyperlink to that item. A hyperlink is the programming device which allows one computer user 100 to retrieve the desired document or item from the network server 110."

Therefore, a displayed visual cue of hypertext provides a hyperlink to retrieve "a desired document or item from the network server".

In Simchik, changes in visual cue can be seen at least in Figs. 4-6 and 8, and in [0032], wherein:

> "Turning now to FIG. 4, a depiction of the resulting display 400 of one embodiment of the current invention is shown. A typical hyperlink font style and size 410 may be a part of the resulting display 400. In this embodiment, hypertext with a higher prominence rating 420 than a hyperlink of the standard type 410 is visually cued by bold typeface. Hypertext with an even higher prominence rating 430 has an increased font size. A link with the lowest prominence rating 440 is shown in a decreased font size. Thus, **the visual cue may consist of changing the font size, font style, color, boldness, underlining, spatial separation or prioritization of the hypertext as well as a combination of these changes.**"

In Simchik, an example of the prioritized listing of displayed visual cue of hypertext is seen at least in Fig. 5 and in [0033], wherein:

> "With reference to FIG. 5, the current invention may display hypertext visually cued to priority based on prominence rating which is based on

> frequency and recency of access 500. In this embodiment, the **hypertext with the highest prominence rating 510 is placed first in the display list and the other links are displayed according to decreasing prominence rating, with the hypertext of lowest prominence rating 520 last."**

Simchik also describes the spatial separation between displayed visual cues of hypertext, as seen at least in Fig. 8 and [0036], wherein:

> [0036] This problem is solved with the embodiment of the invention shown in FIG. 8. A screen display 800 incorporating a **visual cue of spatial separation** which is dictated by a prominence rating based on recency and frequency of access eliminates the need for a user to sort through a long list of hypertext. Hypertext in the highest category of prominence rating 810 is placed in one section with a corresponding heading 820. Hypertext in a lower category of prominence rating 830 is placed in another section of the display with a separate heading 840.

As seen in Simchik, at least in Fig. 9 and in [0037], a cookie (930) stored on a user computer (900) by an internet server (910) may preferably be used to store "information deposited each time a web site 920 is accessed, including the date and time of each access". On "subsequent visits by the user to the web site 920", the "Internet server 910 can access the cookie 930" to "assign from the data a prominence rating based on frequency and recency of access to the hypertext". Subsequently, the "**display of the hypertext** on the user computer 900 **can then be altered by changing visual cues** according to the prominence rating".

Applicant therefore submits that in such an embodiment described by Simchik, a stored cookie is used to assign and update a prominence rating, by which a displayed hypertext visual cue is altered.

Applicant submits that hierarchal storage of ranked digital assets or URLs in a memory, as seen in Claims 1, 12, and 26, as amended, is vastly different from a modification or alteration of visual cues for hypertext in a display.

In regard to Claim 1 and Claim 12, as amended, while Simchik describes the modification of a displayed visual cue, based on tracking of frequency and/or recency of access by a user, Simchik is silent in regard to a method or means for hierarchically storing ranked digital assets in a memory based a ranking of the use of the digital assets, wherein highly ranked digital assets are more easily accessed from the memory by a user than lower ranked digital assets.

As well, in regard to Claim 26, as amended, Simchik is silent in regard to a method which, *inter alia*, hierarchically stores URL's in a memory based on assigned scores of the use of each of the URL's in a Web navigation history, wherein URL's having higher scores are more easily accessed from said memory than URL's having lower scores.

Applicant therefore submits that independent Claim 1, 12, and 26, as amended, overcome the rejection under 35 U.S.C. §102(e) as being unpatentable over Simchik (U.S. Application Publication No. 2002/0075302). The Examiner bears the burden of establishing a *prima facie* case of anticipation (In re King, 801 F.2d 1324, 1327, 231 USPQ 136, 138-139 (Fed. Cir. 1986)). The prior art reference must disclose each element of the claimed invention, as correctly interpreted, and as arranged in the claim (Lindermann Maschinefabrik Gmbh v. American Hoist & Derrick Co., 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984)). A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. The identical invention must be shown in as complete detail as is contained in the claim (MPEP 2131).

As dependent claims 2-11 depend from amended independent Claim 1, as dependent claims 13-21 depend from amended independent Claim 12, and as dependent claims 27-31 depend from amended independent Claim 26, and inherently contain all the limitations of the claims they depend from, they are seen to be patentable as well.

35 U.S.C. § 103. Claim Rejections.

8. Claims 4, 10, 16, 20, and 30-31 are rejected under 35 U.S.C. §103(a) as being unpatentable over Simchik and Bates et al. (U.S. Patent No. 6,088,707).

8a. Regarding Claims 4, 10, 16, and 20, the Office Action states that "Simchik teaches assigning scores to each of said digital assets based on said use of said digital assets ([0030]), and re-ranking said digital assets based on the score ([0033])".

The Office Action concedes that "Simchik differs from the claim in that Simchik does not teach re-ranking said digital assets only if a score of a first digital asset exceeds a score of a second previously higher ranked digital asset by a pre-determined threshold".

Bates describes a method of displaying an update status of linked hypertext documents, as seen at least in the Abstract, wherein:

> "A computer system and method of displaying hypertext documents indicate an update status for a particular hypertext document in association with the display of a hypertext link definition pointing to that document. In addition, one or more specific notification criteria are utilized to determine when a document has been updated. A notification criteria may be based upon a user selection of a selected portion of a document, such that changes to another portion of the document do not trigger an indication of an updated document. A notification criteria may also be based on a specific keyword search criteria selected by a user. A notification criteria may further be based on a relative change threshold for a document, such that changes to a document falling below the threshold are not indicated to a user. In addition, a notification criteria function may be based upon updates made by a particular author of a document, such that specific authors may either trigger or not trigger notification of an updated document."

In regard to Claim 1 and Claim 12, as amended, neither Simchik nor Bates et al. describe a method or means for hierarchically storing ranked digital assets in a memory based a ranking of the use of the digital assets, wherein highly ranked

digital assets are more easily accessed from the memory by a user than lower ranked digital assets.

As well, there is no suggestion, express or implied that either Simchik and/or Bates et al. be modified to meet Claim 1 or Claim 12, as amended. It would therefore take further modification and undue experimentation, to meet Claim 1 and Claim 12, as amended.

In regard to Claim 26, as amended, neither Simchik nor Bates et al. describe a method which, *inter alia*, hierarchically stores URL's in a memory based on assigned scores of the use of each of the URL's in a Web navigation history, wherein URL's having higher scores are more easily accessed from said memory than URL's having lower scores.

As well, there is no suggestion, express or implied that either Simchik and/or Bates et al. be modified to meet Claim 26, as amended. It would therefore take further modification and undue experimentation, to meet Claim 26, as amended.

Applicant therefore submits that independent Claim 1, 12, and 26, as amended, overcome the rejections under 35 U.S.C. §103(a) as being unpatentable over Simchik and Bates et al. (U.S. Patent No. 6,088,707). As claims 2-11 depend from amended independent Claim 1, as claims 13-21 depend from amended independent Claim 12, and as claims 27-31 depend from amended independent Claim 26, and inherently contain all the limitations of the claims they depend from, they are seen to be patentable as well.

8b. Regarding Claim 30, the Office Action states that "Simchik teaches updating said Web navigation history to record Web sites visits made by said user assigning scores to each of said URL's in said updated Web navigation history based on said user's use of said URL's ([0030])".

The Office Action concedes that "Simchik does not teach updating said access hierarchy if a score assigned to a first URL exceeds a score assigned to a second previously higher ranked URL by a predetermined threshold".

As discussed above, Applicant submits that independent Claim 26, as amended, overcomes the rejection under 35 U.S.C. §103(a) as being unpatentable over Simchik and Bates et al. (U.S. Patent No. 6,088,707). As claims 30 depends from amended independent Claim 26, and inherently contains all the limitations of Claim 26, Claim 30 seen to be patentable as well.

8c. Regarding Claim 31, the Office Action states that "Bates teaches allowing a user to define said predetermined threshold (col 7, lines 65-67)".

As discussed above, Applicant submits that independent Claim 26, as amended, overcomes the rejection under 35 U.S.C. §103(a) as being unpatentable over Simchik and Bates et al. (U.S. Patent No. 6,088,707). As claims 31 depends from amended independent Claim 26, and inherently contains all the limitations of Claim 26, Claim 31 seen to be patentable as well.

9. Claim 7 is rejected under 35 U.S.C. §103(a) as being unpatentable over Simchik and Ferman et al. (U.S. Publication No. 2004/0073918).

Regarding Claim 7, the Office Action states that "Simchik teaches calculating ranking based on user's accessing digital documents ([0030])".

The Office Action concedes that Simchik "does not teach monitoring audio files".

However, the Office Action also states that "such feature is known in the art as taught by Ferman. Ferman teaches automatic user profiling which comprises monitoring the use of audio files of a user through recording and subsequently analyzing usage user's usage history information (see [0006])".

Ferman describes an automatic user profiling system, as seen at least in the Abstract, wherein a user profile may be updated, based on fuzzy logic operators.

In regard to Claim 1, as amended, neither Simchik nor Ferman et al. describe a method or means for hierarchically storing ranked digital assets in a memory based a ranking of the use of the digital assets, wherein highly ranked digital assets are more easily accessed from the memory by a user than lower ranked digital assets.

Applicant therefore submits that independent Claim 1, as amended, overcomes the rejection under 35 U.S.C. §103(a) as being unpatentable over Simchik and Ferman et al. (U.S. Publication No. 2004/0073918). As Claim 7 depends from amended independent Claim 1, and inherently contains all the limitations of Claim 1, Claim 7 is seen to be patentable as well.

10. Claim 28 is rejected under 35 U.S.C. §103(a) as being unpatentable over Simchik and Weng et al. (U.S. Publication No. 2004/0019849).

Regarding Claim 28, the Office Action concedes that Simchik "does not teach determining whether data downloaded from Web sites corresponding to said URL's were edited or shared by said user".

However, the Office Action also states that "such feature is known in the art as taught by Weng. Weng teaches method for providing online Web page editing which comprises editing downloaded data (abstract)".

In regard to Claim 26, as amended, neither Simchik nor Weng et al. describe a method which, *inter alia*, hierarchically stores URL's in a memory based on assigned scores of the use of each of the URL's in a Web navigation history, wherein URL's having higher scores are more easily accessed from said memory than URL's having lower scores.

Applicant therefore submits that independent Claim 26, as amended, overcomes the rejection under 35 U.S.C. §103(a) as being unpatentable over Simchik and Weng et al. (U.S. Publication No. 2004/0019849). As Claim 28 depends from amended independent Claim 26, and inherently contains all the limitations of Claim 26, Claim 28 is seen to be patentable as well.

Allowable Subject Matter

Section 11. Applicant respectfully acknowledges that the Office Action states that "Claims 9, 14, and 21 "would be allowable if rewritten in independent form including all the limitations of the base claim and intervening claims".

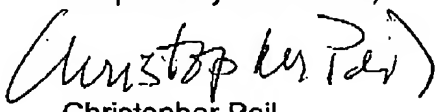
Applicant has therefore entered new independent Claims 32, 33 and 34 respectively, to rewrite Claims 9, 14, and 21 in "independent form including all the limitations of the base claim and intervening claims".

Applicant therefore submits that new independent Claims 32, 33 and 34 are allowable as entered, and are fully supported in the Application as filed, at least by Claims 1, 8, 9, 12, 13, 14, and 21.

CONCLUSION

For the foregoing reasons, the claims in the present application are patentably distinguished over the cited references. Applicant also submits that the amendments do not introduce new matter into the Application. Based on the foregoing, Applicant considers the invention to be in condition for allowance. Applicant earnestly solicits the Examiner's withdrawal of the rejections set forth in the prior Office Action, such that a Notice of Allowance is forwarded to Applicant, and the present application is therefore allowed to issue as a United States Patent.

Respectfully Submitted,



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